

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 10, 1974  
1:00 P.M.Electric Auditorium  
301 West Avenue

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The meeting was called to order with Mayor Butler presiding.

## Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love

Absent: Councilman Lebermann

The Invocation was delivered by REVEREND R. E. McCABE, Catholic Charities.

## NAVY DAY/NAVY BIRTHDAY

Mayor Butler read and then presented a proclamation to Roberto C. Villanueva, Telecommunication Chief, proclaiming Sunday, October 13, 1974 as "Navy Day/Navy Birthday" and urged all citizens to take part in appropriate observance of this day. It was also noted that this year marked the 199th Navy Birthday.

## HUSTON-TILLOTSON COLLEGE WEEK IN AUSTIN

Councilman Handcox read and then presented a proclamation to Ms. Coventry Cowens and Ms. Andrea Mosie, Miss Huston-Tillotson College, proclaiming the week of October 14-20, 1974, as "Huston-Tillotson College Week in Austin" and further proclaiming that Congress Avenue shall be called Huston-Tillotson College Avenue throughout October 14. He called on all residents to join the Council in recognizing the outstanding work and goals of this great institution of learning. It was noted that the College would be dedicating its new Humanities Building and chapel complex on Sunday, October 20, at 5:00 p.m.

## PRESENTATION

City Manager Davidson took this opportunity to announce that since November, 1972, the City had been searching for the friendliest employee working

for Austin and that the selection made by judges who were not City employees was Mr. James Spence. Mayor Butler and the Council presented Mr. Spence with a \$100 savings bond in honor of this.

#### APPROVAL OF MINUTES

Mayor Pro Tem Love moved that the Council approve the Regular Meeting Minutes of October 3, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,  
Dryden, Friedman, Handcox

Noes: None

Absent: Councilman Lebermann

#### HEARING ON AMENDMENTS TO HISTORIC ZONING ORDINANCE

Mayor Butler opened the public hearing scheduled for 1:00 p.m. to consider amendments to the historic designation section of the Zoning Ordinance. Mr. Dick Lillie, Planning Department Director, reviewed this, stating that there were five amendments which involved the following:

1. The Landmark Commission shall meet at least once a month, with additional meetings upon call by the Commission Chairman or upon petition of a simple majority of Commission members. Six members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present and voting - Section 45-46(g).
2. Any appointed member of the Commission who fails to attend 3 consecutive regular meetings of the Commission or fails to attend at least 80% of all such regular meetings during any 6-month period shall lose membership on the Commission, unless failure to attend was the result of illness - Section 45-46(c).
3. If the Landmark Commission determines that the interest of preserving historical values will not be adversely affected by such demolition or removal or that the interest of preserving historical values can best be served by the removal of a structure to another specified location, it shall issue its certificate of demolition or its certificate of removal to the building official; and the building official shall so advise the applicant within 5 days - Section 45-51(a).
4. Any applicant or interested person aggrieved by a ruling of the Landmark Commission may within 60 days appeal to the Council - Section 45-51(d).

Mr. Lillie pointed out that the Planning Commission had recommended that this not include any interested person. City Manager Davidson felt that this was too vague in that anyone could appeal a decision which could tie up someone's home or property for months.

5. Real Estate Appraiser's membership on the Commission be changed from mandatory to advisory.

Motion

Councilman Friedman moved that the hearing be closed and the Council approve the afore-mentioned amendments with the exception of Section 45-51(d) so that it would read: Any applicant or interested person within 500 feet of the proposed structure aggrieved by a ruling of the Landmark Commission may within 60 days appeal to the Council. Councilman Binder seconded the motion.

There was discussion by the Council, Mr. Lillie, and Mr. Don Butler, City Attorney, with regard to the fact that it had been the Planning Commission's recommendation to entirely eliminate the stipulation for any interested person to appeal a decision. Councilmen Friedman and Binder felt that more people should be allowed to become involved.

Substitute Motion

Councilman Dryden moved that this hearing be continued until October 17, 1974, to allow members of the Planning and Landmark Commissions and Councilman Lebermann to be present. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Binder, Dryden, Friedman, Hancock, Mayor Butler,  
Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Lebermann

HEARING ON APPEAL OF SPECIAL PERMIT

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on an appeal by the Allandale Neighborhood Association of the decision of the Planning Commission granting Special Permit No. 74-07-3046. MR. TERRY LEIFESTE, Allandale Neighborhood Association, reviewed this by noting that on August 20, 1974, the Engineering Department had issued a construction permit for a 60-inch floodwater drainage pipe leading from MoPac Expressway easement through Gullett Elementary School grounds, across Treadwell Street, and down Bullard Street to Shoal Creek West, and then into Shoal Creek (C.I.P. Project No. 7014-1). He stated that the basis for their appeal was that the construction would be directly in violation of the Creek Ordinance. He suggested that it should be the Council's intention to protect the citizens; to prevent the dangers arising from improper drainage, improper drainage facilities, inadequate construction of drainage facilities, and unwise diversion, use, and obstruction of waterways; and to plan for the present and future use of waterways.

He further reviewed their appeal by use of slides and gave the following reasons for their belief that the construction was in violation of the Ordinance:

1. The development would not abate the flooding problem already in existence.
2. The development would encourage erosion.

3. The development would not preserve the natural and traditional character of the land and waterway to the greatest extent feasible.

As opposed to conducting the proposed construction, he recommended the following:

1. The City enclose the drainage ditch on the Gullett Elementary School grounds in a pipe so as to create a safer playground and to alleviate overland flooding along Treadwell Street.
2. The City discontinue the project from Treadwell Street to Shoal Creek, thus eliminating the 60-inch diameter pipe's flowing into the Creek.
3. The City conduct a drainage study to determine alternate controls for storm waters including storm water retention (both in-channel and off-channel) and a feasibility study to determine building code changes to facilitate reduced runoff from urbanization.
4. The City work more closely with the Texas Highway Department to develop methods of MoPac easement storm water retention.
5. The City investigate external forms of funding for flood control projects such as that available through the Small Watersheds Act and the Federal Housing and Urban Development Act of 1974.

DR. PHILIP LOWELL, Vice President of Radian Corporation, addressed himself to some of the more technical aspects of the project by use of slides. He stated that they were concerned about erosion occurring on the opposite bank of the pipe. He reviewed drawings of the existing pipe and the proposed pipe and suggested that the diameter would increase the flow. He further suggested that there were alternate means to control the flooding by building dams to pond the water and time-phasing the runoff. He suggested various locations in the area sites for this ponding. He submitted the Council copies of a written report prepared by himself entitled "Engineering Calculations for a Series of Cascaded Lakes as a Flood Control Measure in the Shoal Creek Watershed." In conclusion, he requested that the 4 sites that he reviewed be investigated by the City.

There was discussion by Council; and in response to their questions, Dr. Lowell indicated that this solution would not solve the entire problem but suggested that there would be a 60% decrease of flow. He felt that this would give more relief than any other type of alternative and would be economical. He also felt this would not cause any flooding of private property.

MR. CHARLES CROFT, architect, reviewed various sites along Shoal Creek where various controls could be utilized, such as holding ponds. He felt that the proposed development would add to the problem and requested that the ditch be enclosed at Gullett.

MRS. JOE SENIOR, 6201 Treadwell Boulevard, stated that her property was flooded every time it rained and felt that the ditch at Gullett should be covered. She was not opposed to the proposal and felt that she should be relieved of the flooding problem.

MS. JOANNA CORNETT noted that her home would be destroyed as a result of this proposal and appealed to the Council. She suggested that holding ponds could be developed to retain the excess water and felt that the pipe would cause more water to go into Shoal Creek.

#### Discussion

City Manager Davidson stated that in the future as there was more development north of Anderson Lane, there would be a more serious flood problem on Shoal Creek. He felt that the suggestions made were worthwhile and merited consideration; however, he pointed out that the Council had authorized the first Master Drainage Plan Austin has ever had, which has been underway for more than one year. He believed that upon the completion of this Plan, it would give the City Manager, Public Works, and the Planning Commission more accurate data on which to base development decisions north of the Anderson Lane area. He noted that until the completion of the Plan, there would be only one pipe proposed; and he was convinced there would be no additional flooding as a result of this project, and he stated that the City would do anything necessary to see that no additional erosion would take place.

He briefly reviewed this by noting that it was a project contracted with the Texas Highway Department in 1967 and that it had been carefully designed by the Engineering Department and was in conjunction with all departments concerned. He added that it had been approved by the Planning Commission and did not violate the creek ordinance or any other ordinance.

He felt that the Association had done an excellent job and a great deal of detailed work in analyzing the current situation, and he wanted to take them up on their offer to assist the City and provide some input for the future to prevent an unreasonable amount of water. He noted that he would issue such an invitation upon the completion of the Drainage Study.

He stated that the staff joined the Planning Commission in recommending this and hoped that the Council would allow them to correct this problem that has existed for many years.

In response to Mayor Pro Tem Love's question concerning a meeting that had been held among the Association and the City's representatives, Mr. Croft stated that the two groups were parallel on their planning techniques and the fact that something definitely needed to be done. He stated that they were also in agreement that the ditch needed to be enclosed at Gullett Elementary; however, the Association felt that the pipe would encourage more water into Shoal Creek at a rapid rate. They did believe that the pipe would alleviate some of the overland flooding because it would go into the pipe. He requested that their appeal be honored and not let this project proceed but that plans be revised.

Mr. Charles Graves, Director of Engineering, pointed out that everyone was visualizing that this would always be full; however, he noted that after development, it would only be full once every 25 years.

There was discussion by Council with regard to delaying action in order that the Association could meet again with the City to resolve any questions. In response to Councilman Friedman's question, Mr. Graves stated that the proposal would not necessarily decrease flooding; but it would help curtail flooding the areas along the route of the ditch. Mayor Butler wanted to have a hydraulic engineer's opinion as to whether or not the proposal would work. With regard to a postponement, Mr. Graves pointed out that the City had gone beyond the 30-day period from the time the bid was granted so that the contractor could now withdraw his bid.

City Manager Davidson mentioned that the Association's representatives had told him that there was no way they could accept the proposal; and the City could accept the Association's ideas, but there was no way to use them in connection with this project. He did not want to disillusion the people, but he still recommended the construction. Dr. Lowell felt that no alternatives had really been looked into; however, he felt that, if upon investigation there was no alternative, he would agree with the City that the pipe should be installed. In response to Dr. Lowell's feeling that the ditch at Gullett should definitely be enclosed, City Manager Davidson stated that he could not recommend one project without the other.

After further discussion, Councilman Handcox moved that the Council continue this hearing until October 24, 1974, in an effort to reach an agreement between the two groups involved. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Mayor Butler, Mayor  
Pro Tem Love, Councilman Binder  
Noes: None  
Absent: Councilman Lebermann

Mayor Butler requested that a brief overview be obtained from qualified engineers to determine the feasibility of holding tanks.

Mrs. Senior did not feel that the delay was fair to her.

A gentleman from the audience addressed himself to this issue at this point and was requested to meet with Mr. Graves.

#### HEARING ON STREET VACATION

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on the proposed vacation of the following street and passage of the ordinance:

EAST 16TH STREET from the east line of SAN JACINTO STREET  
easterly to the west line of TRINITY STREET. (Requested by  
Governor Dolph Briscoe, as Chairman of the State Building  
Commission.)

No one appeared during the hearing in reference to this vacation; however, during the course of the meeting, MR. WALTER MEYER appeared and questioned the purpose of this. Mr. Reuben Rountree, Public Works Director, stated that the State desired to construct a parking structure extending over the one block of East 16th Street to help alleviate the critical parking problem; and this

request was approved by the Urban Renewal Agency and approved on May 30, 1974, by the Council as an amendment to the Brackenridge Urban Renewal Plan. In response to Mr. Meyer's further question, City Manager stated that there were no other streets proposed to be closed at this time.

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF EAST 16TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR DRAINAGE AND PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love, Councilman Binder

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

#### DISPOSITION OF PROPERTY

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing disposition of property as follows:

Accept positive bid - to be moved or demolished

7409 Providence Avenue      Jim Muzia      \$377.00

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love, Councilman Friedman

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilmen Binder, Dryden

#### CONSIDERATION OF EXTENSION OF CONTRACT AT GOLF COURSE

It was noted that the Council had before it the consideration of a one-year extension of the Pro Manager's contract at Morris Williams Golf Course. In response to Councilman Handcox's question, City Attorney Don Butler stated that the contract had a provision for a one-year extension. Councilman Handcox requested that this be delayed for one week. Mayor Pro Tem Love requested that the Council be furnished information with regard to status of the other contracts with the Pro Managers at the other golf courses. It was the consensus of the Council that this be postponed until October 17, 1974.

## CONTRACTS AWARDED

Councilman Friedman moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Generic Drugs for Brackenridge Hospital Pharmacy. Supply Agreement, approximately October 15, 1974 thru September 30, 1975 - \$326,316.07
McKESSON LABORATORIES 1110 Hoefgen Avenue San Antonio, Texas	- \$70,809.72
BEHREN DRUG CORPORATION 5775 Airport Boulevard Austin, Texas	- \$45,681.95
MERCK SHARP DOHME 925 111th Street Arlington, Texas	- \$42,191.04
ARMOUR LABORATORIES Greyhound Tower Phoenix, Arizona	- \$21,038.05
THE UPJOHN COMPANY 4114 North Central Expressway Dallas, Texas	- \$17,205.00
RIKER LABORATORIES 19901 Nordhoff Street Northridge, California	- \$15,600.00
TRAVENOL LABORATORIES 2001 110th Street Grand Prairie, Texas	- \$13,060.30
WINTHROP LABORATORIES 6627 Maple Avenue Dallas, Texas	- \$11,579.20
ABBOTT LABORATORIES 8001 Carpenter Freeway Dallas, Texas	- \$10,998.90
HYLAND LABORATORIES 3300 Hyland Avenue Costa Mesa, California	- \$10,943.12
BRISTOL LABORATORIES Thompson Road Syracuse, New York	- \$ 8,054.74

J. B. ROERIG COMPANY 502 Fountain Parkway Grand Prairie, Texas	- \$ 8,018.40
E. R. SQUIBB & SON 3101 Buffalo Speedway Houston, Texas	- \$ 6,676.82
BRISTOL LABORATORIES Thompson Road Syracuse, New York	- \$20,998.33
E. R. SQUIBB & SON 3101 Buffalo Speedway Houston, Texas	- \$23,460.50
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Total	\$326,316.07

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Friedman,  
Handcox  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

Councilman Friedman moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Three-Phase Pad Mounted Transformers, Electric Department
WESTINGHOUSE ELECTRIC SUPPLY COMPANY 9230 Research Boulevard Austin, Texas	- Item 1; 8 ea. @ \$1,833.00 2; 2 ea. @ \$4,743.00 Total - \$24,150.00 (Subject to escalation)
GRAYBAR ELECTRIC COMPANY 7434 North Lamar Boulevard Austin, Texas	- Item 3; 1 ea. @ \$5,982.85 (Subject to escalation)

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Friedman,  
Handcox  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

DALMARK, INC.  
Route 1, Box 86  
Buda, Texas

- For construction of C.I.P. Project  
No. 3013 5, Electric Ductline -  
\$14,734.40

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Friedman,  
Handcox

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilmen Dryden, Binder

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

STOKES CONSTRUCTION COMPANY  
1122 Seguin Highway  
San Marcos, Texas

- For construction of additions to  
the Robert Mueller Airport  
Terminal Building - \$1,363,956

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Friedman,  
Handcox

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilmen Dryden, Binder

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

FORD-WEHMEYER, INC.  
P. O. Box 9086  
Austin, Texas

- For ditching in Cumberland Road,  
36" Water Main (C.I.P. No. 4056 2) -  
\$9,384.50

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Friedman,  
Handcox

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilmen Dryden, Binder

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

JIM MARTIN & ASSOCTATES  
1222 West Laurel  
San Antonio, Texas

- Prefabricated Building, Parks &  
Recreation Department.  
Item 1 - \$9,360.00

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Friedman,  
Handcox  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

## COST DIFFERENCE PAYMENT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing payment to GRAYDON DUNLAP for the cost difference of 12"/8" water main and appurtenances installed in Wood Hollow Park, Section 1, in the amount of \$2,194.76. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor  
Butler  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

## LICENSE AGREEMENTS

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the following:

MISSOURI PACIFIC RAILROAD COMPANY for the purpose of installing a 42-inch reinforced concrete water main beneath said railroad's right of way at a point 1,918.5 feet south of Mile Post 174 in Austin, Texas.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the following:

MISSOURI PACIFIC RAILROAD COMPANY to install two water mains beneath railroad's property as follows:

24-inch concrete steel cylinder main at a point 2,830 feet north of Mile Post 186.

12-inch ductile iron main at a point 2,728 feet north of Mile Post 186.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the following:

SOUTHERN PACIFIC TRANSPORTATION COMPANY for the purpose of installing a 12-inch water main beneath railroad's property at Mile Post 112.16 in Austin, Texas.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

#### APPLICATION FOR ENVIRONMENTAL PROTECTION AGENCY GRANT

Councilman Friedman moved that the Council adopt a resolution authorizing application for an Environmental Protection Agency Grant for the improvement and expansion of Williamson Creek Wastewater Treatment Plant. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

#### APPROVAL OF CHANGE ORDER

Mayor Pro Tem Love moved that the Council adopt a resolution approving a Change Order in the amount of \$10,608.75 to P. A. STARK CONSTRUCTION COMPANY for Wabash Avenue widening from West 34th Street to West 38th Street, C.I.P. Project No. 6260 1. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilmen Dryden, Binder

## AUTHORIZATION OF ONE-WAY STREETS

Councilman Friedman moved that the Council adopt a resolution authorizing the following one-way streets:

Deleting

<u>On</u>	<u>From</u>	<u>To</u>	<u>Direction</u>
Attayac Street	East First Street	East Second Street	Southbound

Adding

Fairview Drive	Hancock Drive	Highland Terrace	Southbound
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The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Friedman

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilman Dryden

## ANNEXATION HEARINGS SET

Mayor Pro Tem Love moved that the Council set public hearings to consider annexing the following:

1. 1:00 P.M., October 24, 1974:

90.34 acres of land out of the JAMES P. WALLACE SURVEY NO. 18 in Travis County, Texas. (Requested by Mr. Robert Sneed, Attorney for Mr. Aaron Kruger and Mr. Morris Zalc, Trustee, owners.)

2. 1:00 P.M., October 31, 1974:

Total of 1,069.71 acres of land:

a. 337.66 acres of land out of the Thomas Anderson Survey. Bannockburn, Woodstone, Plumley Addition and unplatted land and portions of Brodie Lane and McCarty Road. (226.83 acres requested by Frontier Trails, Inc., owner; 110.83 acres initiated by City.)

b. 384.32 acres of land out of the Theodore Bissel League and the Thomas Anderson Survey. Oak Plantations, Kinchcon Subdivision, Sections 1 and 2, The Sunset Estates, E. E. Cameron Subdivision and unplatted land and Cemetery Road, portions of Brodie Lane and Longview Road. (54.89 acres requested by Oscar W. Holmes, Engineer, representing Nelson Puett, Jr., owner; 329.43 acres initiated by the City.)

- c. 347.73 acres of land out of the Theodore Bissel League. Shiloh unplatted land and a portion of Manchaca Road. (105.53 acres requested by S. A. Garza, Engineer, representing Joe Gilbreth, owner; 242.20 acres initiated by City.)

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilman Dryden

#### ACCEPTANCE OF FUNDS FOR STUDENT SCHOLARSHIP AND LOAN PROGRAM

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to accept \$20,075 of supplemental funds under the Nursing Student Assistance Program, Department of Health, Education and Welfare, for continuation of the Student Scholarship and Loan Program. Grant period for loan portion will be July 1, 1974, to June 30, 1975, and July 1, 1974, to June 30, 1976, for the scholarship program. (\$1,524 cash match will be required.) The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilman Dryden

#### ACCEPTANCE OF GRANT-AWARD FOR COMMUNITY WORKSHOP/MARKET OF AUSTIN

Councilman Friedman moved that the Council adopt a resolution authorizing acceptance of a grant-award of \$12,017 from the Area Agency on Aging for the "Community Workshop/Market of Austin." Contract period will be from October 1, 1974, to September 30, 1975, with \$8,092 in-kind contribution. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Councilman Dryden

#### CONTRACTS WITH AGENCIES IN ACCORDANCE WITH BUDGETARY ACTION

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into contracts with the following agencies in accordance with appropriations approved on September 19, 1974:

<u>Agency</u>	<u>Contract Term</u>	<u>Allocation</u>
Capital Area Rehabilitation Center	Sept. 1, 1974 - Aug. 31, 1975	\$12,500
Humane Society	Oct. 1, 1974 - Sept. 30, 1975	36,000
Zachary Scott Theatre	Oct. 1, 1974 - Sept. 30, 1975	18,000
Boys Club of Austin	Oct. 1, 1974 - Sept. 30, 1975	10,000

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilman Dryden

#### CONSIDERATION OF APPLICATION CONCERNING TOUR BOAT

It was noted that consideration of an application by Mr. Christie Sarris to serve food and beverages on the Christie's Restaurant Town Lake Tour Boat was before the Council. City Manager Davidson noted that this application had been sent to the Navigation Board. In response to Mayor Pro Tem Love's question, Mr. Ed Stevens, Assistant Director of Building Departments, stated that Mr. Sarris had indicated to the Board that tours were generally after 5:00 p.m., with each tour lasting approximately 1-1/2 hours. In response to Mayor Butler's question, Mr. Sarris stated that he had agreed to limit the number of people to 19.

In response to Councilman Binder's question as to whether or not the City would maintain ownership of the boat, City Manager Davidson indicated that the boat belonged to Mr. Sarris and used to be owned by the City. In response to Councilman Binder's further questions, Mr. Stevens stated that the Board had not considered any item pertaining to advertising on the boat. Councilman Binder favored the proposal but did not think it was appropriate to have the large sign on the side of the boat.

Mayor Pro Tem Love felt that this would be precedent setting and the purpose of Town Lake had to be considered. Councilman Friedman did not object to opening Town Lake to others, and Councilman Binder did not think the Lake should be opened to advertising. Councilman Binder suggested that there be a public hearing to allow more input. There was discussion with regard to a delay considering the fact that Mr. Sarris would not be able to run the boat until the spring. Mayor Pro Tem Love reiterated Councilman Friedman's statement for a postponement so that the Navigation Board could take a look at the history of operation on Town Lake.

Councilman Friedman moved that the Council postpone action and request that the Navigation Board study this with regard to motors on the Lake. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,  
Handcox  
Noes: None  
Absent: Councilman Lebermann  
Not in Council Chamber when roll was called: Mayor Butler

Councilman Binder requested that the advertising issue be "kept alive" for discussion at that time.

#### SUBMISSION OF REVISED WORK PROGRAM

Councilman Friedman moved that the Council adopt a resolution authorizing the submission of a revised Office of Economic Opportunity Work Program for the program year May 1, 1974, to April 30, 1975. Requested funding will be in the amount of \$456,218 plus \$53,128 of carry-over monies for a total of \$509,346 with no City funds required. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler,  
Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Lebermann

#### DISCUSSION OF HOSPITAL EQUIPMENT

Ms. Barbara Duke, President of National Organization for Women, Austin Chapter, appeared before the Council to discuss Brackenridge Hospital equipment (vacuum aspirator). She requested that the Council resolve the problem of abortion procedures at Brackenridge by either accepting the equipment or purchasing the equipment. She stated that it was unlawful for the Hospital to refuse to perform abortions and that they should be handled as any other medical procedure. She felt that groups should be allowed to express their opinions but not to regulate the procedure. She requested that Council take the following action:

1. Appoint a committee to review a report of the Ad Hoc Committee on Abortion Services.
2. Investigate why the gift of abortion equipment has not been accepted by the Hospital.
3. Determine why the City administration in the Hospital should not conform with the law of the land (to treat abortion as any other medical procedure and recognize abortion as a private matter between a woman and her doctor).

In response to Councilman Friedman's question as to when a decision would be made one way or the other, City Manager Davidson stated that abortions were being performed as required by law; and the machine was available for any physician desiring its use. He suggested that if Council wanted to do something about it, he would be pleased to do so.

Mayor Butler felt that this was a policy issue. In response to Mayor Pro Tem Love's question, City Attorney Don Butler stated that there was no

provision in the Charter that required that the City accept the machine. Councilman Dryden stated that he would not pay anything that had to do with abortion.

In response to Councilman Binder's question, Mr. Will Brown, Hospital Administrator, was not aware that this procedure was being treated differently except that there were certain restrictions, such as having a nurse in the room with the operating physician. He felt that as long as the City was performing within the law, he did not see the importance of either accepting or rejecting the machine.

City Manager Davidson requested that there be a motion to take some kind of action; otherwise, he did not intend to create additional controversy over this issue. At this time, he announced that tomorrow morning he would notify Dr. Hansen by letter that he would not accept the machine on behalf of the City. Mayor Butler stated that this was Council's decision and not the City Manager's.

#### Motion

Mayor Pro Tem Love moved that the City maintain the status quo of the equipment. Councilman Dryden seconded the motion.

#### Substitute Motion

Councilman Binder moved that the Council set a public hearing for October 17, 1974, at 2:00 p.m. to determine whether or not the City should accept the equipment. Councilman Friedman seconded the substitute motion. Roll call on the substitute motion showed the following vote:

Ayes: Councilmen Binder, Friedman  
Noes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love,  
Councilman Dryden  
Absent: Councilman Lebermann

The substitute motion failed to carry by a 2 to 4 vote.

#### Roll Call on Original Motion

Roll call on Mayor Pro Tem Love's motion, Councilman Dryden's second, to maintain the status quo of the equipment, showed the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Handcox, Mayor Butler  
Noes: Councilmen Binder, Friedman  
Absent: Councilman Lebermann

The motion carried by a 4 to 2 vote.

#### REQUEST CONCERNING TELEPHONE RATE INCREASE INVESTIGATION

Mr. W. G. Bryant, Division Manager of Southwestern Bell Telephone Company, appeared before the Council requesting that the telephone rate increase investigation being conducted by the consultant, Hess & Lim, be completed by December 1, 1974. He noted that he and City Attorney Don Butler had recently met with the firm, and he believed that the consultant could conclude their portion of the investigation by early December and hoped that the Council could make a decision by Christmas. It was the consensus of the Council that this should be done.

## REQUEST FOR PARADE PERMIT

Mayor Pro Tem Love moved that the Council approve a request by Mr. Jimmie Raines, Anderson High School Student Council, for a parade permit on October 17, 1974, from 5:00 p.m. to 6:30 p.m. to celebrate the annual Homecoming, beginning at Anderson High parking lot, north on Mesa Drive to Hyridge Drive, west on Hyridge, south on Silver Ridge, circling Emerald Hill Drive back to Silver Ridge, turning on Steck, and returning to the south parking lot of the High School. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden, Friedman  
Noes: None  
Absent: Councilman Lebermann

## REQUEST CONCERNING BENEFIT CONCERT

Mr. Jim Cox, Middle Earth, Ltd., appeared before the Council requesting use of Rock Island in Zilker Park for a benefit concert on November 3, 1974, (November 10 as alternate for inclement weather), from 2:00 p.m. to 12:00 midnight. In addition, he requested concession rights at the concert for all refreshments, including beer. Mayor Butler noted that the Parks and Recreation Department had prepared a memorandum in response to this request, which involved the following recommendations:

1. The area be reserved for 5 hours during daylight hours (due to lack of area lighting.)
2. Concession rights be granted as requested with the exception of the sale of beer. (Parks and Recreation Department policy has been not to allow beer to be sold but to require that it be given away or served as a drink with a meal.)
3. Minimum of 6 portable rest-rooms be provided with an additional rest-room for each 500 people estimated over 3,000.
4. Adequate arrangements be made for first aid and medical assistance without putting an undue load on the emergency facilities at Brackenridge Hospital.
5. The proposed security plan be reviewed by the Austin Police Department to insure its adequacy.
6. A service fee be paid to the Parks and Recreation Department to cover costs as determined by the scope of the program.
7. Middle Earth, Ltd., agree to maintain the area in a clean condition during the benefit and return the area to its original state of cleanliness by 12:00 noon the following day. A \$50 deposit will be made with the Department which will be returned upon completion of the cleanup of the area.
8. A parking plan be worked out with the Department which will allow for controlled parking on grassy areas of the Park.

Mr. Cox indicated that they would be in agreement with the aforementioned recommendations with the exception of the first two. He noted that they would be relying on donations and the 5-hour period would not allow enough people time to get out to the concert. City Manager Davidson pointed out that the Council could make an exception to the policy, but there would need to be additional security because of the lack of street lighting and road accesses to the area.

In response to Mayor Butler's question, Mr. Cox stated that they had a Board of Directors; and Mayor Butler requested that the Board pass a resolution agreeing to the terms as stipulated.

In response to Mayor Pro Tem Love's question as to whether or not the group would settle for a closing time of 10:00 p.m., Mr. Cox suggested a period from 12:00 noon to 10:00 p.m. There was discussion with regard to the sale of beer. City Manager Davidson stated that the City liked to maintain the policy.

Mayor Pro Tem Love moved that the Council approve the request by Middle Earth, Ltd., for a benefit concert with the time period being from 12:00 noon to 10:00 p.m. and allowing the sale of beer and stipulating that the Board of Directors pass a resolution indicating their compliance with the Parks and Recreation Department's recommendations. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,  
Friedman, Handcox

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilman Dryden

#### AMENDMENT TO ORDINANCE IN CONNECTION WITH PAVING

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING ORDINANCE NO. 740815-G, ENACTED BY THE CITY COUNCIL ON AUGUST 15, 1974, BY CORRECTING AN ERROR IN THE PAVING REFUND OF PART 3 OF SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the second time, and Mayor Pro Tem Love moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Friedman, Handcox

Noes: None

Absent: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

## AMENDMENT TO ORDINANCE TRANSFERRING FUNDS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 730802-E CAPITAL IMPROVEMENTS ORDINANCE TO TRANSFER CERTAIN SURPLUS GENERAL GOVERNMENT FUNDS TO THE AVIATION AIRPORT TERMINAL ACCOUNT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox, Mayor Butler

Noes: None

Absent: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

## REFUND CONTRACTS - FIRST READING

Mayor Butler brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH BOB LUNSFORD AND GRAYDON DUNLAP. (Valley Oaks Subdivision; Wood Hollow Park, Section 1)

The ordinance was read the first time, and Mayor Pro Tem Love moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Mayor Butler, Mayor Pro Tem Love

Noes: Councilmen Binder, Friedman

Absent: Councilman Lebermann

## REFUND CONTRACT - SECOND READING

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH GREATER NORTHWEST, INCORPORATED, AND AUSTEX DEVELOPMENT COMPANY, LTD. (Balcones Woods, Section 3-A)

The ordinance was read the second time, and Mayor Pro Tem Love moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Mayor Butler, Mayor Pro Tem Love

Noes: Councilmen Binder, Friedman

Absent: Councilman Lebermann

## ANNEXATION ORDINANCE

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 16.97 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILKINSON SPARKS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the second time, and Mayor Pro Tem Love moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love, Councilman Binder

Noes: None

Absent: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

## AMENDMENT TO OPERATING BUDGET

It was noted that the Council had before it the second and third readings of an ordinance amending the 1974-75 Operating Budget by authorizing pay for the City Council. Mr. Tom Russ appeared before the Council to request that the Council deny the pay increase in that the citizens had voted in the last election that the Council not have an increase.

Councilman Binder brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B TO APPROPRIATE FROM UNAPPROPRIATED GENERAL FUNDS AND CREDIT TO VARIOUS CITY COUNCIL ACCOUNTS THE AMOUNT OF \$85,232; PROVIDING FOR PAYMENTS TO MEMBERS OF THE CITY COUNCIL AS COMPENSATION FOR SERVICES RENDERED AND/OR EXPENSES OF OFFICE; AND PROVIDING A PROCEDURE FOR SUCH PAYMENTS.

The ordinance was read the second time, and Councilman Binder moved that the ordinance be passed through its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Pro Tem Love, Councilman Binder

Noes: Mayor Butler, Councilman Dryden

Absent: Councilman Lebermann

## REQUEST CONCERNING GAS RATE INCREASE

Mr. Robert M. Laczko, District Manager of Southern Union Gas Company, appeared before the Council in connection with the Company's previously requested

rate increase. It was suggested by the Council that the City not agree to any increase in that the Company had filed an appeal with the Texas Railroad Commission. Mr. Laczko stated that in spite of their appeal, their consultants were willing and able to appear to answer any questions and would be willing to furnish additional information to the Council or the consultant regarding the application.

In response to Mayor Butler's question, Mr. Laczko stated that the Company had been told that the docket for October was completely filled; and a hearing date had not been set, but it will be some time in November.

In view of their appeal to the Railroad Commission, Councilman Friedman moved that the Council agree to take no action concerning Southern Union's request for a gas rate increase and request that the City Attorney and consultant, Hess & Lim, pursue this case in response to the appeal to the Commission concerning advertising practices of Southern Union as far as whether or not they are encouraging conservation or other methods of curtailing their gas usage. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Friedman

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilman Dryden

#### REQUEST FOR EMERGENCY PARADE PERMIT

City Manager Davidson noted that he had distributed copies of a parade permit application from the East Austin Committee for Justice for October 12; and in view of the fact that there would not be a Council meeting between now and then, he requested that the Council consider this application at this time. Councilman Binder moved that the Council approve the request for a parade permit for October 12, 1974, from 10:00 a.m. to 1:30 p.m., beginning at San Marcos Street, east on First Street to Canadian Street, north to Seventh Street, west on Seventh to terminate at East Avenue. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,  
Friedman, Handcox

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when roll was called: Councilman Dryden

#### QUESTIONS CONCERNING NON-CITY EMPLOYED COUNCIL AIDES

In view of proposals being discussed to utilize pending Council compensation for the employment of aides, City Manager Davidson felt that a number of questions should be considered and requested that there be a determination made as to what the policy will be:

1. Is it expected that "non-City employee" aides or assistants will be authorized to utilize City office space and furnishings?

- 2. Is it expected that they will be authorized to utilize City vehicles?
- 3. Will they make use of City telephone equipment?
- 4. What is the Council's policy concerning the issuance of City commodities such as office supplies to the aides?
- 5. If a "non-City employee" aide is acting on behalf of a Councilman, who is liable for claims against the aide or Councilman resulting from the aide's activities?
- 6. What is expected of administration in response to requests for data, studies, and surveys by the aides?
- 7. Will there be some type of official notification as to aides, assistants, or volunteers designated by members of the Council?

ADJOURNMENT

The Council adjourned at 4:50 p.m.

APPROVED

  
 Mayor

ATTEST:



City Clerk